

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC UZZIELITES HOLMAN, and
ERICA UZZIELITES HOLMAN,

Plaintiffs,

v.

CASE NO. 07-11151
HON. LAWRENCE P. ZATKOFF

STATE OF MICHIGAN, ET AL,

Defendants.

ORDER DISMISSING COMPLAINT

This matter is before the Court on Plaintiff Eric Holman's Motion for Enlargement of Time. However, the Court finds that Plaintiffs' claim is barred by the doctrine of res judicata. *See Holloway Constr. Co. v. U.S. Dep't of Labor*, 891 F.2d 1211, 1212 (6th Cir. 1989) (finding that the court may raise the doctrine of res judicata sua sponte in the interest of promoting judicial economy).

Plaintiffs had previously filed a complaint with the Court under case number 06-10579. In that case, the Court dismissed Plaintiffs' complaint with prejudice for failing to state a claim upon which relief could be granted under 28 U.S.C. § 1915(e)(2). Upon reviewing Plaintiffs' current complaint, the Court finds that it is virtually identical to the complaint in the prior case. As the Court's decision in the earlier case is biding, Plaintiffs' current claim is barred by res judicata. *See McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997); *EB-Bran Productions, Inc. v. Warner Elektra Atlantic Inc.*, 2005 U.S. Dist. LEXIS 28621 (E.D. Mich. 2005). Accordingly,

IT IS ORDERED that Plaintiffs' Complaint is HEREBY DISMISSED with prejudice.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 8, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 8, 2007.

s/Marie E. Verlinde
Case Manager
(810) 984-3290